IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 19TH JUNE 2007 / 29TH JYAISHTA 1929

Crl.MC.No. 1924 of 2007()

(CRIME NO. 194/2001 of MUKKOM POLICE STATION)

PETITIONER: IST ACCUSED

SAIFUDEEN, S/O.AHAMMED KUTTY,
KODOTH HOUSE, POOLAPOYIL, NEELESWARAM P.O.
KOZHIKODE DISTRICT
(MUKKOM POLICE STATION LIMIT).

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS: COMPLAINANT AND STATE

1. THE SUB INSPECTOR OF POLICE,
   MUKKOM POLICE STATION,
   KOZHIKODE DISTRICT.

2. STATE REP: BY PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SRI. GIKKU JACOB, PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 19/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.1924 of 2007

Dated this the 19th day of June, 2007

ORDER

Petitioner faces indictment in a prosecution under Section 376 I.P.C. On a private complaint filed by the Prosecutrix, reference is made to the police under Section 156(3) Cr.P.C and the crime was registered. The alleged incident occurred as early as on 18.09.1999. Final report has been filed only on 26.04.2007. In fact, the final report was filed only after the order granting bail was passed by this Court. As a condition for bail it was insisted that the petitioner shall produce his passport within 10 days from the date of the order. The petitioner now wants the condition to be modified and his passport to be released to him to enable him to resume his employment abroad. It is submitted that he will be present before the court on any date to be specified by the court.

2. The learned Public Prosecutor submits that the State is only apprehensive that the petitioner may not be available for trial. Subject to appropriate conditions to be insisted by this Court, to ensure such presence, the State has no objection in the passport being released to the petitioner. But it may zealously be ensured that the petitioner will be available for trial. This is the submission of the learned Public Prosecutor.

3. I am satisfied that the passport can be released to the petitioner by the Sessions Court after committal. The Sessions Court shall insist on appropriate conditions. The Sessions Court shall decide when the matter can be taken up for trial and shall insist that the petitioner must be available for trial on such date of listing for trial.

4. With the above observations/directions, this Crl.M.C is, allowed in part. The learned Magistrate shall take all necessary steps forthwith for expeditious committal of the case to the Court of Sessions.

(R.BASANT, JUDGE)

rtr/-